



# Department of Transportation

**ANDREW M. CUOMO**  
Governor

**MATTHEW J. DRISCOLL**  
Commissioner

**WILLIAM J. BORTON, P.E.**  
Regional Director



October 27, 2015

Ms. Janine King, Village Manager  
Village of Croton-on-Hudson  
Stanley H. Kellerhouse Municipal Building  
1 Van Wyck Street  
Croton-on-Hudson, NY 10520

**RE: PIN 8780.41 CROTON-ON-HUDSON PARKING FACILITY  
PEDESTRIAN AND BICYCLE ENHANCEMENTS  
VILLAGE OF CROTON-ON-HUDSON, WESTCHESTER COUNTY**

**AUTHORIZATION TO PROCEED - DETAILED DESIGN**

Dear Ms. King:

Please take a few minutes to read this letter in its entirety as it contains **important new** information regarding the next steps in the project development process.

We received the Design Approval memo signed by Mr. Abraham Zambrano, the Responsible Local Official, and have obtained the approval of the Regional Director on October 23, 2015, in accordance with the TEA-21 Design Related Approval Matrix in Table 8-1 of the manual entitled "Procedures for Locally Administered Federal Aid Projects." The above-referenced project now has Design Approval.

The Village of Croton-on-Hudson (hereafter referred to as "the administering agency") is authorized to proceed with detailed design (preparation of plans, specifications and contract documents) work for the above-referenced project. Detailed design is a continuation of preliminary engineering, which was authorized on June 3, 2010. For a list of typical activities associated with each project development phase, see the attachment titled "Project Development Phases and Activities."

You are advised that this **authorization to proceed is limited to detailed design work**. Any right-of-way or construction work (including advertising for bids or clearing land) performed prior to this office granting an authorization to proceed with such work will jeopardize federal funding for the project.

Detailed design costs are included in the executed State-Local project agreement. A supplemental agreement to add these costs is not necessary.

**Please note that the State/Local Agreement has an allocated amount of \$250,000 for both preliminary and detailed design. As of this date, \$215,000 has been requested and reimbursed to the Village for work up to April 2012. This will leave an amount of \$35,000 for those expenditures after April 2012 for the completion of detailed design. It is suggested that a review of your consultant agreement and budget should be done at this time to ascertain as to whether or not there is sufficient funds to cover all tasks associated with the completion of the design of this project.**

***If it is determined that there is insufficient funds available, a supplemental consultant agreement should be considered and a "Sponsor Request" should be submitted prior to the completion of the design phase and the start of construction to move funds from the Construction phase to the design phase.***

**Should the need arise to acquire professional consultant assistance** to further progress this project, procurement of an appropriate firm must be done in accordance with Chapter 6 of the manual entitled "Procedures for Locally Administered Federal Aid Projects." Responsibility for selecting a consultant following federal rules, negotiating and executing a contract with the designated consultant, and managing the consultant throughout the project rests solely with the administering agency. Immediately after selecting a firm or firms, the attached "Certification for Consultant Selection" must be completed and submitted to the Local Projects Unit (LPU). An additional certification will be required to cover the negotiation / contract execution phase of the procurement process, and that certification will be made available to you at the appropriate time.

**During the detailed design phase**, continued coordination with regulatory agencies, involved agencies (including utility companies and railroads), other municipalities, affected property owners and the general public is desired. Executing utility and/or railroad agreements and applying for and securing permits are done during the detailed design phase. A Utility Work Agreement is needed with each affected utility company and must be forwarded to the Local Projects Unit upon execution; Utility Work Agreements that contain reimbursable work must be approved by the Local Projects Unit. Similarly, a Railroad Agreement is needed with each affected railroad; all Railroad Agreements must be approved by NYSDOT. Chapter 10 contains further information with regard to coordination with utility companies and railroads, and Chapter 7 contains information related to environmental permits.

**Advance Detailed Plans (ADP) are required for this project.** The purpose of the ADP submission is to provide a review of the nearly (90%) complete detailed plans before final plans are submitted. Specific requirements for the ADP submission are in the attached "Content of Advance Detail Plan."

**Any work on State highway right-of-way, including the installation of temporary construction signs, will necessitate obtaining a NYS Highway Work Permit (HWP)** by the administering agency prior to the granting of the authorization to proceed with construction activities. Generally, the administering agency is required to complete form PERM 33, Highway Work Permit Application for Non-Utility Work and either a form PERM 17, Certificate of Insurance for Special Hauling, Divisible Load Weight and Highway Work Permit Issuance Requirements, or a form PERM 1, Undertaking (Municipality) in Connection with Highway Work Permits Issued by the New York State Department of Transportation. These forms can be obtained from NYSDOT's web site at [www.dot.ny.gov](http://www.dot.ny.gov). **The Local Projects Unit is the contact for Highway Work Permits associated with locally administered federal aid projects; please contact us if you have any questions regarding highway work permit requirements.**

The administering agency should endeavor to **avoid changing the project after design approval** is granted. The final design report is the culmination of the evaluation of all project elements and coordination with regulatory agencies, involved agencies and the general public. Changes to the project after design approval will require recycling the project through the preliminary design phase to insure further environmental and engineering evaluations are performed, and coordination with appropriate agencies is conducted. Changes that occur after design approval has been granted can cause significant delays in project development.

**All federally funded local projects must be designed and built in accordance with current NYS Department of Transportation specifications for construction and materials.** Under no circumstances shall a construction specification contain references to State supplied materials, labor, inspection or testing unless advance written approval is obtained from the LPU. Similarly, the plans and specifications shall not contain proprietary items unless prior approval is obtained from the LPU. **Chapter 9 of the manual, which was updated March 2011, provides more information regarding appropriate construction and material specifications.** In addition, please reference the February 14, 2013 Engineering Bulletin, [https://www.dot.ny.gov/portal/pls/portal/mexis\\_app.pa\\_ei\\_eb\\_admin\\_app.show\\_pdf?id=11176](https://www.dot.ny.gov/portal/pls/portal/mexis_app.pa_ei_eb_admin_app.show_pdf?id=11176) for guidance with materials acceptance, certifications and approved materials.

**Note that this authorization to proceed does not include right-of-way acquisition activities.** If it is determined during the detailed design phase that it is necessary to acquire property, either temporarily or permanently, to construct the project, please contact the LPU immediately. All property acquisitions related to a federally aided construction project, regardless of the fund source used to purchase the property, must be done in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (as amended in 1987) and the New York State Eminent Domain Procedure Law. Failure to comply with required federal acquisition procedures will jeopardize project funding. The authorization to proceed to Right-of-Way acquisition activities will be granted once all ROW documentation prerequisites and review has been completed.

**Final construction plans must be consistent with the Design Approval document,** and must show all pertinent existing right-of-way lines. The cover sheet of the final plans must be signed and sealed by the NYS licensed professional responsible for the design, and signed by the Responsible Local Official indicating the approval of the plans by the administering agency.

**Contract, or bid, documents may contain project labor agreements.** However, Minority/Women's Business Enterprise language or goals, warranties or guarantees, or provisions that restrict competition (e.g., residency requirements or geographical restrictions) are prohibited. Contract documents must include Disadvantaged Business Enterprise (DBE) goals, Davis-Bacon wage rates, NYS prevailing wage rates, and required federal language. DBE goals are set by the LPU based upon information contained in the contract documents and construction estimate, and will be transmitted to you by the LPU when the authorization to proceed with construction is granted. Chapter 12 contains further information regarding contract document requirements.

Under Federal rules, award of the construction contract must be made to the lowest responsive and responsible bidder. **Negotiation with the apparent low bidder or any other bidders prior to award is strictly prohibited.** In addition to describing the work to be performed and payment procedures, bid documents must clearly describe bidding procedures, **amendment issuance procedures**, and criteria for determining the low bidder. When bidders are asked to submit bids on alternates, the alternate bid procedures and award determination procedures must be clearly described in the contract documents and strictly adhered to during the project bidding and award phase. We strongly recommend early coordination with the LPU should you wish to employ alternate bid procedures on this project.

**A detailed construction estimate must be prepared.** Costs for each project (identified by a separate project identification number or PIN) must be segregated so that costs can be tracked for each individual project. In addition, shares must be established to segregate highway and bridge costs for each project, and in some cases to segregate work funded by different sources. For further information regarding estimate shares, contact the Local Projects Unit.

At the conclusion of the detailed design phase, the administering agency must submit the following information to the Local Projects Unit:

- Final construction plans, specifications, construction estimate, and contract documents
- A copy of all required permits
- A construction management plan, describing the administering agency's strategy for providing construction inspection and oversight. See attachment entitled "Construction Management Plan Requirements" and Chapter 15 of the manual for more information
- A completed Right-of-Way Clearance Certificate, signed original by the Responsible Local Official. The Right-of-Way Clearance Certificate form is attached.
- A "Certification for Plans, Specifications & Estimate (PS&E)" signed by the NYS licensed professional responsible for project design
- A "Certification for Construction Contract Documents" signed by the Responsible Local Official
- A completed "Project Accomplishments" form
- For bridge projects, level one load rating, level two load rating and bridge inventory forms
- An explanation of any cost increases in the federal share of project costs if additional federal funding is being requested or, in the case of projects with capped Federal funding, an assurance by the Responsible Local Official that the administering agency has sufficient funds to cover the anticipated funding shortfall

The Local Projects Unit will review the above information and ultimately grant your agency an authorization to proceed with construction activities.

LPU review of contract documents and other key project documents is required and is performed on a first come, first served basis. Typical review times are between six to eight weeks, but may vary based on the number of documents ahead of your project document in our review queue. We will continue to strive to minimize our review times. You can help to speed review times by insuring that your project documents are complete, accurate and conform to federal requirements.

**Responsibility for project development rests with the administering agency.** As such, key documents must be reviewed by the administering agency prior to submission to the LPU, and then submitted to the LPU by the administering agency. We will not accept the submission of key project documents from a consultant firm, unless that firm is acting as the project manager (e.g. - a municipal engineer overseeing the work of a duly-selected engineering firm).

The latest updates to the manual entitled "Procedures for Locally Administered Federal Aid Projects" can be downloaded from the Department's website. Simply go to [www.nysdot.gov](http://www.nysdot.gov), and click on "Programs and Services."

Members of the Local Projects Unit are available to answer any questions or provide guidance or advice at any stage of project development. For your information, members of the LPU and their areas of expertise are:

Doreen Holsopple	(845) 431-5977	<a href="mailto:doreen.holsopple@dot.ny.gov">doreen.holsopple@dot.ny.gov</a>
		funding, agreements, reimbursement requests & consultant procurement procedures
Lance Gorney	(845) 431-5856	<a href="mailto:lance.gorney@dot.ny.gov">lance.gorney@dot.ny.gov</a>
		preliminary design, detailed design and environmental procedures
Noel Harris	(845) 431-5717	<a href="mailto:noel.harris@dot.ny.gov">noel.harris@dot.ny.gov</a>
		bidding and construction / inspection procedures
Barbara Knisell	(845)431-5817	<a href="mailto:barbara.knisell@dot.ny.gov">barbara.knisell@dot.ny.gov</a>
		Construction document review/DBE compliance

We strongly recommend scheduling a meeting to discuss the detailed design phase, and consultant procurement procedures, before work is started in this project development phase. Please contact me at (845) 431-5811 to schedule this meeting.

Sincerely,



Martin S. Evans, P.E.  
Regional Local Projects Liaison  
Local Projects Unit

Enclosed:

- "Project Development Phases and Activities"
- "Certification for Consultant Selection"
- "Construction Management Plan Example"
- "Right-of-Way Clearance Certificate"
- "Certification for Plans, Specifications & Estimate"
- "Certification for Construction Contract Documents"
- "Project Accomplishments"
- "Content of ADP"

